

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>JOHN AND JANE DOE NO. 1, et al.,</b>	:	<b>CASE NO. 3:22-cv-00337</b>
	:	
<b>Plaintiff,</b>	:	
	:	
	:	<b>JUDGE MICHAEL J. NEWMAN</b>
<b>vs.</b>	:	
	:	
	:	
<b>BETHEL LOCAL SCHOOL</b>	:	<b>PLAINTIFFS' MOTION FOR</b>
<b>DISTRICT BOARD OF EDUCATION,</b>	:	<b>PROTECTIVE ORDER TO PROCEED</b>
<b>et. al.,</b>	:	<b>PSEUDONYMOUSLY</b>
	:	
<b>Defendants.</b>	:	
	:	

Plaintiffs, by and through undersigned counsel, hereby move this Court for a protective order permitting them to proceed pseudonymously in this matter and prohibiting the release of their true identity. Plaintiffs filed the Complaint on November 22, 2022. The Complaint identified Plaintiffs pseudonymously as follows: John And Jane Doe No. 1; Child No. 1A, a minor, by and through her legal guardians John And Jane Doe No. 1; John And Jane Doe No. 2; John Doe No. 3; Child No. 3B, a minor, by and through her legal guardian John Doe No. 3; Child No. 3C, a minor, by and through his legal guardian John Doe No. 3; Jane Doe No. 4; Child No. 4D, a minor, by and through his legal guardian Jane Doe No. 4; Jane Doe No. 5; Child No. 5E, a minor, by and through his legal guardian Jane Doe No. 5; Jane Doe No. 6; Jane Doe No. 7; Child No. 7F, a minor, by and through his legal guardian Jane Doe No. 7; John And Jane Doe No. 8; and John Doe No. 9.

Plaintiffs are children, parents, and the natural guardians of children who attend school under the authority of Defendants Bethel Local School District Board of Education, its members,

and superintendent. Given the nature of the issues presented by this case, including the involvement of children and intimate information regarding Plaintiffs' privacy and personal religious beliefs, public policy weighs in favor of permitting Plaintiffs to proceed pseudonymously. Plaintiffs respectfully request the same as set forth in this Motion and the attached Memorandum in Support.

Dated: November 23, 2022

Respectfully submitted,

s/ Joseph P. Ashbrook

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**MEMORANDUM IN SUPPORT OF PLAINTIFFS’  
MOTION FOR PROTECTIVE ORDER TO PROCEED PSEUDONYMOUSLY**

In this case, Plaintiffs are children, parents, and the natural guardians of children in the Bethel school system. The defendants are Bethel Local School District Board of Education; its members, Lydda Mansfield, Lori Sebastian, Natalie Donahue, Danny Elam, Jacob King; and superintendent, Matthew Chrispin (collectively, “Defendants”).

As described in the Complaint, Defendants are violating Plaintiffs’ civil rights in matters involving Plaintiffs’ use of intimate facilities and closely held personal religious beliefs. While plaintiffs generally provide the names of the parties in the complaint, it is proper to proceed pseudonymously in certain circumstances. *Doe v. Porter*, 370 F.3d 558, 561 (6th Cir. 2004) (affirming district court decision to proceed pseudonymously). The following factors determine the propriety of the same:

- (1) whether the plaintiffs seeking anonymity are suing to challenge governmental activity; (2) whether prosecution of the suit will compel the plaintiffs to disclose information of the utmost intimacy; (3) whether the litigation compels plaintiffs to disclose an intention to violate the law, thereby risking criminal prosecution; and (4) whether the plaintiffs are children.

*D.E. v. Doe*, 834 F.3d 723 (6th Cir. 2016).

In this case, factors (1), (2), and (4) all weigh in favor of permitting Plaintiffs to proceed pseudonymously. Plaintiffs are specifically suing to challenge governmental action. Compl. ¶¶ 1-8. Therefore, the first factor is satisfied here. Likewise, the second factor is satisfied because Plaintiffs’ claims involve issues of the utmost intimacy. The fundamental dispute in this case involves the use of intimate facilities which is an inherently private subject. In addition, Plaintiffs’ claims involve intimate information regarding their personal religious beliefs and “religion is perhaps the quintessentially private matter”. *Doe v. Porter*, 370 F.3d at 560 (internal quotes omitted) (affirming district court decision to proceed pseudonymously where personal religious

beliefs were the information of utmost intimacy). With respect to the fourth factor, six of the Plaintiffs are minor children, and all of the adult Plaintiffs have children within the Bethel school system. Therefore, this dispute involves numerous children and the fourth factor favors Plaintiffs' Motion as well. Accordingly, the relevant factors favor pseudonymous litigation in this case.

Further amplifying the propriety of proceeding pseudonymously in this case is the nature of the dispute itself. The dispute involves contentious and often acrimonious issues of national interest. Therefore, the risk of harassment in this case goes well beyond Plaintiffs' geographic locality. By filing suit, Plaintiffs have made revelations regarding their "beliefs about a particularly sensitive topic that could subject them to considerable harassment." *Id.* And this Court has recognized that requiring parents or guardians to reveal their full names will still make minors easily identifiable. *Doe v. Mechanicsburg School Bd. of Educ.*, 518 F. Supp. 3d 1024, 1027-28 (S.D. Ohio 2021). As such, given the nature of the issues and potential for harassment, it is particularly proper to proceed pseudonymously here.

Finally, Plaintiffs are willing to disclose their names to the Defendants after the Court has an opportunity to enter an appropriate protective order. Therefore, Defendants are not prejudiced by permitting Plaintiffs to proceed pseudonymously.

In short, the relevant factors favor proceeding pseudonymously. The propriety of such is further amplified by the nature of the issues and the potential for harassment. And the requested relief will not prejudice Defendants. For all the foregoing reasons, Plaintiffs respectfully request that their Motion be granted, and they be permitted to proceed pseudonymously.

Dated: November 23, 2022

s/ Joseph P. Ashbrook  
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**CERTIFICATE OF SERVICE**

I, Joseph P. Ashbrook, hereby certify that the foregoing Plaintiffs' Motion for Protective Order to Proceed Pseudonymously and Memorandum in Support were served with the summons and complaint on the following Defendants:

Bethel Local School District Board of Education  
7490 Oh-201  
Tipp City, Ohio 45371

Lydda Mansfield  
7490 Oh-201  
Tipp City, Ohio 45371

Lori Sebastian  
7490 Oh-201  
Tipp City, Ohio 45371

Natalie Donahue  
7490 Oh-201  
Tipp City, Ohio 45371

Danny Elam  
7490 Oh-201  
Tipp City, Ohio 45371

Jacob King  
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Matthew Chrispin  
7490 OH-201  
Tipp City, Ohio 45371

s/ Joseph P. Ashbrook  
Joseph P. Ashbrook